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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन
के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed
as a separate compilation

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 18th November, 1983:—

I

BILL No. XXI OF 1983

A Bill to provide for the abolition of the Legislative Council of the State of Andhra Pradesh and for matters supplemental, incidental and consequential thereto.

BE it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Andhra Pradesh Legislative Council (Abolition) Act, 1983.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

(a) “appropriate Government” means, as respects a law relating to a matter enumerated in List I in the Seventh Schedule to the Constitution, the Central Government, and as respects any other law, the State Government;

(b) “article” means an article of the Constitution;

(c) “Council” means the Legislative Council of the State of Andhra Pradesh;

Short
title
and com-
mence-
ment.

Defini-
tions.

(d) "law" includes any enactment, ordinance, regulation, order, bye-law, rule, scheme, notification or other instrument having the force of law in the whole or any part of the State of Andhra Pradesh;

(e) "Legislative Assembly" means the Legislative Assembly of the State of Andhra Pradesh.

Abolition
of the
Council.

3. (1) The Legislative Council of the State of Andhra Pradesh is hereby abolished.

(2) On the abolition of the Council, every member thereof shall cease to be such member.

Amend-
ment of
article
168.

4. In sub-clause (a) of clause (1) of article 168, for the words "in the States of Andhra Pradesh, Bihar," the words "in the States of Bihar," shall be substituted.

Amend-
ment of
Act 43
of 1950.

5. In the Representation of the People Act, 1950,—

(a) in the Third Schedule, entry No. 1 relating to Andhra Pradesh shall be omitted;

(b) in the Fourth Schedule, the heading "Andhra Pradesh" and the entries thereunder shall be omitted.

Omission
of sec-
tion 3 of
the Le-
gisla-
tive
Councils
Act, 1957.

6. Section 3 the Legislative Councils Act, 1957, shall be omitted.

37 of 1957.

Provision
as to
pending
Bills.

7. (1) A Bill pending in the Council immediately before the commencement of this Act which has not been passed by the Legislative Assembly shall lapse on the abolition of the Council.

(2) A Bill pending in the Council immediately before the commencement of this Act which has been passed by the Legislative Assembly shall not lapse on the abolition of the Council, but on such abolition shall be deemed to have been passed before such commencement by both Houses of the Legislature of the State of Andhra Pradesh in the form in which it was passed by the Legislative Assembly.

(3) If a Bill which having been passed by the Legislative Assembly is, before the commencement of this Act, either rejected by the Council or passed by the Council with amendments, the Legislative Assembly may, after such commencement, pass the Bill again with or without such amendments, if any, as have been made by the Council and the Bill so passed shall be deemed to be a Bill introduced in and passed by the Legislative Assembly after the commencement of this Act.

Power to
adapt
laws.

8. The appropriate Government may, before the expiration of one year from the commencement of this Act, by order, make such adaptations and modifications of any law made before such commencement, whether by way of repeal or amendment as may be necessary or

expedient in consequence of the abolition of the Council under section 3, and thereupon every such law shall have effect subject to the adaptations and modifications so made.

9. Notwithstanding that no provision or insufficient provision has been made under section 8 for the adaptation or modification of a law made before the commencement of this Act, any court, tribunal or authority required or empowered to enforce such law may construe the law in such manner, without affecting the substance, as may be necessary or proper on account of the abolition of the Council, in regard to the matter before the court, tribunal or authority.

Power
to cons-
true
Laws.

STATEMENT OF OBJECTS AND REASONS

The Andhra Pradesh Legislative Assembly has passed a Resolution on the 24th March, 1983 by a majority of the total membership of the Assembly and a majority of not less than two-thirds of the members of the Assembly present and voting, for the abolition of the Legislative Council in the State of Andhra Pradesh. In view of this Resolution, it is necessary to enact a law to give effect to the clearly expressed verdict of the people of Andhra Pradesh in January, 1983 elections and the subsequent Resolution of the Assembly. The Bill seeks to give effect to this object and also provides for matters supplemental, incidental and consequential to such abolition.

B. SATYANARAYAN REDDY

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the appropriate Government to make such adaptations and modifications of any law made before the commencement of the Act as may be necessary or expedient in consequence of the abolition of the Legislative Council of the State of Andhra Pradesh under clause 3. This power will be available only for a period of one year from the commencement of the Act. The adaptations and modifications cannot affect the substance of the laws adapted.

The delegation of legislative power is of a normal character.

BILL No. XXII OF 1983

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

Short
title.

1. This Act may be called the Constitution (Amendment) Act, 1983.

Substitu-
tion of
new
article
for
article
263.

2. For article 263 of the Constitution, the following article shall be substituted, namely:—

Provi-
sions with
respect to
an inter-
State
Council.

“263 (1) There shall be an inter-State Council, charged with the duty of—

(a) inquiring into and advising upon disputes which may have arisen between States;

(b) investigating and discussing subjects in which some or all of the States, or the Union and one or more of the States, have a common interest; or

(c) making recommendations upon any such subject and, in particular, recommendations for the better co-ordination of policy and action with respect to that subject.

(2) The Council shall consist of the Prime Minister, the Union Minister of Home Affairs and the Chief Ministers of the States.

(3) The Prime Minister shall be the Chairman of the Council.

(4) The Council may invite any other member of the Union Council of Ministers and any administrator of the Union-territories to the Council, whenever considered necessary.

(5) The Council shall meet at least once a year and at any time at the request of the Chairman or of a Chief Minister of a State.

(6) The Council shall have a Secretary who shall be appointed by the President under his hand and seal on the advice of the Prime Minister in consultation with the Chief Ministers of the States.

(7) The term of office of the Secretary shall be five years.

(8) The other terms and conditions of service of the Secretary shall be such as may be laid down by the Council.

(9) The Council shall frame an annual budget to which the Central Government and the Governments of States shall contribute equitably.

(10) The Council shall have the power to lay down its own procedure.

STATEMENT OF OBJECTS AND REASONS

The erosion of the federal features of the Constitution and the increasing centralisation of resources and responsibilities in the hands of the Central Government make it imperative to constitute an Inter-State Council as envisaged in the Constitution in order to strike a proper balance between the States *inter-se* and the Centre and the States and to provide a forum for discussion of the Centre-State as also inter-State problems. The existing provision in the Constitution is only recommendatory and not mandatory.

A situation has arisen where a mandatory provision is called for. This Bill seeks to achieve this objective.

SYED SHAHABUDDIN.

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for an inter-State Council. The Council shall have a Secretary, with his Secretariat. There will be no expenditure from the Consolidated Fund of India in the case of the Members of the inter-State Council inasmuch as all of them will already be the functionaries of the Central and State Governments and of the Administrators of the Union territories drawing their salaries and allowances from the respective Governments and Union territories.

There will, however, be expenditure involved from the Consolidated Fund of India in respect of the office of the Secretary and his Secretariat. The recurring expenditure on this account may approximately, be of the order of rupees three lakh per annum. There shall also be involved a non-recurring expenditure of about rupees fifty thousand in the initial stage.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 2 of the Bill provides for laying down the terms and conditions of the service of the Secretary to the inter-State Council under article 263, as substituted. Provision has also been made for the power of the Council to lay down its own procedure. The matters with respect to which the Council shall make rules are matters of detail and the delegation of legislative power, therefore, is of a normal character.

III

BILL No. XX OF 1983

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1983. Short
title.
2. In article 102 of the Constitution, in clause (1) after sub-clause (1), the following sub-clauses shall be inserted, namely:— Amend-
ment of
article 102.
 - “(dd) if he voluntarily gives up the membership of the political party on whose symbol he was so chosen, or becomes a member of a political party after having been chosen as an independent;
 - “(ddd) if he is expelled from the political party to which he belonged before being so chosen;
 - “(dddd) if he becomes a member of any political party other than the one by which he was so chosen;

Provided that he shall not be deemed to have voluntarily given up the membership of a political party if that political party has either merged with any other political party or has broken itself into two or more parties and he continues to be a member of one of the resultant parties.”

STATEMENT OF OBJECTS AND REASONS

There is a wide spread concern over the problem of political defection which continues to cause a sapping of our political system. A national consensus has emerged that an elected member should cease to be a member of the House of Parliament or a Legislature to which he has been elected, if he after having been so elected, defects from his party to another party. However, certain safeguards are necessary for independents as well as for those who choose to become independents, as also for elected members in situations where change of party follows the merger or break up of a political party.

With a view to improving the political morale it is imperative that political defections which have brought into focus the play of money power are curbed.

The Constitution, as it is, does not envisage such unprincipled defections. In order, therefore, to curb this practice, the Constitution needs to be amended.

Hence, this Bill.

SYED SHAHABUDDIN

SUDARSHAN AGARWAL,
Secretary-General.